

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Denise Carlon, Esquire

KML Law Group, P.C.

216 Haddon Avenue, Suite 406

Westmont, NJ 08108

Main Phone: 609-250-0700

dcarlon@kmlawgroup.com

Attorneys for U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the registered holders of Bear Stearns Asset Backed Securities I Trust 2004-FR3, Asset-Backed Certificates, Series 2004-FR3

In Re:

Awni M. Elias, Fahed Kataw,

Debtors.



Order Filed on June 25, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-19833 VFP

Adv. No.:

Hearing Date: 5/2/19 @ 10:00 a.m.

Judge: Vincent F. Papalia

ORDER RESOLVING MOTION FOR RELIEF FROM STAY

The relief set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

DATED: June 25, 2019

A handwritten signature in black ink, reading "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: Awni M. Elias, Fahed Kataw

Case No: 18-19833 VFP

Caption of Order: ORDER RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the registered holders of Bear Stearns Asset Backed Securities I Trust 2004-FR3, Asset-Backed Certificates, Series 2004-FR3, Denise Carlon appearing, upon a motion to vacate the automatic stay as to real property located at 23 Barbour Street, Haledon, NJ, 07508, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Russell Low, Esquire, attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of June 5, 2019, Debtors are in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due February 2019 through June 2019 with \$678.67 in suspense for a total post-petition default of \$10,136.68 (5 @ \$2,163.07 less suspense balance of \$678.67)

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$10,136.68 shall be added to the affidavit of amount due and paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Debtor is to resume the LMP payments July 1, 2019; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that in the event loss mitigation is unsuccessful, Debtor is responsible for the difference between the loss mitigation payment and the regular payment for the all post-petition months; and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtor's Chapter 13 bankruptcy proceeding, if any of the loss mitigation payments (or regular monthly mortgage payments upon expiration of the Loss Mitigation Program) are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtor, and Debtor's counsel at the time of submission to the Court; and

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Debtor: Awni M. Elias, Fahed Kataw

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It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtors' Chapter 13 plan and the motion is hereby resolved.